

Resolution No.:	<u>15-895</u>
Introduced:	<u>February 8, 2005</u>
Adopted:	<u>February 8, 2005</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By: County Council

---

**SUBJECT:** Approval of Executive Regulation 15-04 AM, Solid Waste and Recycling

**Background**


1. On November 4, 2004, the County Council received Executive Regulation 15-04 AM, Solid Waste and Recycling, from the County Executive.
2. The regulation must be reviewed under method (1) of Section 2A-15 of the Code.
3. Under method (1), this regulation does not take effect the County Council approves it.

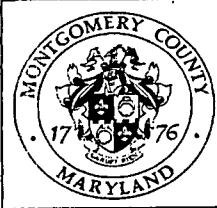
**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 15-04 AM, Solid Waste and Recycling, is approved.

This is a correct copy of Council action.

  
\_\_\_\_\_  
Elda M. Dodson, CMC  
Acting Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

Montgomery County regulation on:

## SOLID WASTE AND RECYCLING

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

### REGULATION

Issued by: County Executive

Regulation No. 15-04AM

COMCOR 48.00.03, Solid Waste and Recycling, Chapter 48

Authority: Montgomery County Code, 1994, Sections: 48-6, 48-24 and 48-51

Supersedes: Regulation 109-92AM

Council Review: Method (1) under Code Section 2A-15

Register Vol. 21 No. 9

Effective Date: February 8, 2005

Sunset Date: None

**Summary:** The proposed regulation describes the residential recycling requirements for single-family and multi-family dwellings (including reporting requirements for multi-family property owners), nonresidential recycling and reporting requirements, and recycling requirements for collectors of solid waste and recyclable materials.

Comment deadline: September 30, 2004

Effective date:

**Address for comments:** Director, Department of Public Works and Transportation  
Executive Office Building  
Tenth Floor  
101 Monroe Street  
Rockville, Maryland 20850

**Staff contact:** Eileen Kao, Recycling Coordinator  
240-777-6400



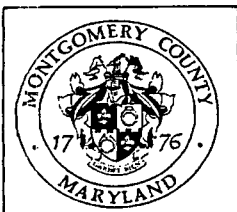
# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

**Section 1. Definitions.** Terms defined herein are for purposes of this Article only. The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

- (a) **"Acceptable"** means items which conform to prevailing and customary standards of existing recycling markets.
- (b) **"Business"** means any enterprise, individual, corporation, partnership (limited or general), sole proprietorship or other entity or person, including institutions, health care facilities, construction sites, the Federal Government and other government agencies, to the extent authorized by law.
- (c) **"Commingled materials"** mean acceptable items such as aluminum cans and foil products, bi-metal cans, glass bottles and jars, and plastic narrow neck bottles, which are not separated by type, but are mixed together in one container.
- (d) **"Department"** means Montgomery County Department of Public Works and Transportation.
- (e) **"Director"** means Director of the Montgomery County Department of Public Works and Transportation.
- (f) **"Disposal facility"** means the Montgomery County Transfer Station or any other location operated by the County where solid waste is taken for disposal.
- (g) **"Employee"** means any person working on-site 20 or more hours per week directly for the business or for an entity affiliated with the business; and any person working on-site for the business or an entity affiliated with the business as an agent or independent contractor for more than six months in any calendar year.
- (h) **"Generator"** means the owner or occupant of any dwelling unit where solid waste is generated, and the owner or occupant of any other business, entity or institution at, from, or by which solid waste is generated.
- (i) **"Market"** means any business that receives processed or unprocessed source separated or commingled recyclable solid waste and utilizes the material as a finished product or as a raw material for a manufacturing process.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

(t) "Waste reduction /source reduction" means reducing the amount of waste generated at the source or point of generation.

(u) "Yard trim" means leaves, grass, garden trimmings and brush.

## Section 2. Waiver from these Regulations, subject to the requirements of 48-3(c) of the Montgomery County Code

(a) The Director may grant temporary or permanent waivers from participation in the recycling program to individuals who are physically impaired and who are not reasonably able to undertake the activities required by this regulation.

(b) The Director may also grant a temporary partial waiver for all generator categories for particular materials which would otherwise have to be recycled where markets for these materials are unavailable.

(c) Persons or entities for whom compliance with Section 3 subsection (b) and subsection (c) herein would be an unreasonable hardship may apply to the Director for a temporary or permanent waiver in a manner prescribed by the Director.

(d) For entities subject to recycling plan or report requirements, a request for a waiver must be submitted with the recycling plan and/or annual report. If the plan/report has already been filed, the request must accompany an amended plan/report. If the request for a waiver is denied, the plan and/or annual report must be resubmitted within 30 days from the date of denial, to include the materials for which a waiver was sought unless a plan and/or annual report on file already addresses those materials. Those persons or entities requesting a waiver must specify the materials requested to be waived from recycling requirements, the duration of the requested waiver, reason(s) for the request at the time they submit it, and include any documentation necessary to justify a waiver.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

(B) Commingled materials. All commingled materials must be separated from other solid waste and placed in a County approved container. Lids, tops, and any loose food or liquid must be removed.

(C) Yard trim. Grass and leaves must be placed in containers or large paper bags labeled "yard trim". Containers or bags must not exceed 45 gallons in volume and 60 pounds by weight. Brush must not exceed 4 inches in diameter and 6 feet in length, and must be placed in labeled containers or paper bags or tied in bundles no greater than 36 inches in diameter. Plastic bags must not be used to contain any yard trim or Christmas trees. Christmas trees must have all ornaments and metal objects removed.

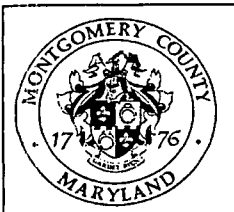
(3) Collection requirements.

(A) Location. Materials to be recycled must be placed within 10 feet of the publicly maintained right-of-way closest to the dwelling. Materials must not be placed in a manner that interferes with parking or vehicular and pedestrian traffic.

(B) Alternate location. Residents for whom placement in accordance with paragraph (A) would be a hardship may apply to the Director for permission to use an alternate location. The Director may set a time limit on any permission granted. Any recycling container used at an approved alternate location must be identified, as provided by the Director, and must be visible from the publicly maintained right-of-way.

(C) Time limit. Materials prepared for recycling must be set out for collection no earlier than 5:00 p.m. before the designated day of collection, and no later than 7:00 a.m. on the designated day of collection. Recycling containers must be removed from the collection location no later than 5:00 p.m. the day after that designated for collection.

(D) Litter. Owners and occupants are responsible for keeping the area around recycling containers litter free.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.

2. Contents of plan. The plan must be submitted on forms provided by the Department and must include, at a minimum, description of facility by type; name, address, and telephone number of contact person responsible for on-site recycling program; list of materials to be recycled; name and address of person/collection company providing recycling collection service; sites where materials are delivered; and description of waste reduction activities.

(C) Annual report on waste reduction and recycling activities.

1. Who must submit. All multi-family entities having 101 or more units must prepare and submit to the Department, on or before February 1 of each year, an annual waste reduction and recycling report for each facility covering the previous calendar year. Multi-family entities having 100 or fewer units must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these entities must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Contents of report. The annual report must be submitted on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, and any changes from the approved recycling plan required under Section 3(b)(3)B(2) of this regulation. If recyclable materials are self-hauled to a recycling facility, the multi-family entity must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

(8) Collectors Servicing Multi-Family Entities.

- (A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the property, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.
- (B) Collectors must provide a copy of their current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided to its customer in their business records. If a copy has not yet been provided and a customer requests one, the collector must provide the customer with a copy of its license within 3 business days.

(9) Contract Services.

- (A) A multi-family entity, when contracting for collection service of recyclable materials must use a currently licensed collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").
- (B) A multi-family entity contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.



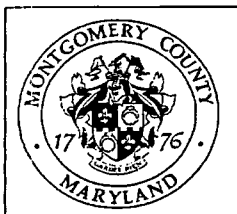
# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

2. Small businesses. Small businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.
  3. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file a waste reduction and recycling plan covering facilities in their entirety, and including information for all tenants, demonstrating how the businesses will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.
  4. Multiple Business Locations. Each business required to submit a plan and/or report for multiple locations in the County may submit a single plan and/or report to cover multiple locations, or may submit an individual plan and/or report for each separate location demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, in compliance with these regulations. Any plan and/or report covering multiple locations must list each property address subject to it, and each location covered by the plan and/or report must maintain a copy of the plan and/or report on the premise.
- (B) Plan updates. A business must update its plan if there are changes to the waste reduction and recycling activities of the business or if required as a result of revisions to these regulations.





# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

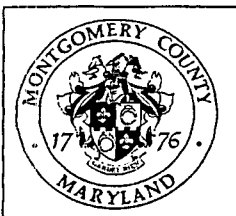
<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

5. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.

(6) Requirement for an annual report on waste reduction and recycling activities.

(A) Applicability.

1. Large businesses. Each year all large-sized businesses must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Medium-sized businesses. Each year, all medium-sized businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
3. Small businesses. Small-sized businesses must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these small businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
4. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file annual waste reduction and recycling reports covering facilities in their entirety, and including information for all tenants. Each year, owners must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

6. A description of the property management's or business' efforts to educate tenants and/or employees about its recycling program.
- (D) Certification. All reports and plans must be signed by a person authorized to bind the business, and must certify that the information is correct to the best of his/her knowledge. Examples of authorized persons include a corporate officer (President, Vice-President, Chief Administrative Officer, Chief Operating Officer or their designee) or owner of the business.
- (7) Containers. The owner or operator of each business must place containers for all required recyclable materials in adequate sizes and quantities in each location where trash containers are located, and must clearly label each container to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all buildings and other uses on-site. In addition, any business that sells or provides food or beverages in recyclable containers for on-site consumption must provide an adequate size and number of recycling containers for use by consumers, and wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.
- (8) Property owner of commercial properties. Property owners must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.
- (9) Collectors servicing commercial properties.
- (A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the business, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b>

## Section 5. Enforcement

These regulations may be enforced in accordance with Montgomery County Code 1994, as amended, Section 48-49.

## Section 6. Construction

This regulation must be construed liberally to permit the Department to effectuate the purposes of Article V (recycling) of Chapter 48 of the Montgomery County Code (1994), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

A handwritten signature in dark ink, appearing to read "Douglas M. Duncan", written over a horizontal line.

Douglas M. Duncan  
County Executive

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF COUNTY ATTORNEY

BY A handwritten signature in dark ink, appearing to read "S. B. Ryan", written over a horizontal line.

DATE 2/2/05